



1-21-05

JFW

Express Mail No. EV 519 869 327 US

RESPONSE TO RESTRICTION REQUIREMENT	Docket No.	SKIN-001
Address to: Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application No.	10/632,538
	Confirmation No.	2670
	Filing Date	August 1, 2003
	Examiner	BARRETT, THOMAS C.
	Group Art Unit	3738

Sir:

This communication is submitted in response to the Restriction Requirement dated December 16, 2004 for which a one-month period for responding was given. As January 16, 2005 fell on a Sunday and as January 17, 2005 fell on a national holiday, this response is timely filed.

In the Restriction Requirement, the Examiner therein required election of a single species, a single subspecies and a sing sub-subspecies from the following:

Species I: Figure 1A

Species II: Figure 1B

Subspecies (i): Figure 2

Subspecies (ii): Figure 3A

Subspecies (iii): Figure 3B

Sub-subspecies (A): Figure 4A

Sub-subspecies (B): Figure 5A

Sub-subspecies (C): Figure 6A

The Applicants hereby elect to prosecute Species I, Subspecies (i), and Sub-subspecies (B) with traverse. Of the pending claims 1-16, 23, 47 and 48, it is believed that all but claims 6 and 8 are readable on the elected Species, Subspecies and Sub-subspecies, with claims 1-4, 9-16, 23, 47 and 48 being generic.

As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits. It is the Applicants' position that it would not be unduly burdensome to perform a search on all of the identified Species, Subspecies and Sub-subspecies together in the present application.

Accordingly, the Applicants traverse the restriction requirement.

The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number SKIN-001.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 01/18/05

By: 

Carol M. LaSalle
Registration No. 39,740

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\SKIN\001\resp to rest req.doc



Please type a plus sign (+) inside this box →

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/632,538
		Filing Date	August 1, 2003
		First Named Inventor	KIM, DANIEL H.
		Group Art Unit	3738
		Examiner Name	BARRETT, THOMAS C.
Total Number of Pages in This Submission		Attorney Docket Number	SKIN-001

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement; postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> CD, Number of CD(s)	
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Signing Attorney/Agent (Reg. No.)	CAROL M. LASALLE, 39,740 BOZICEVIC, FIELD & FRANCIS, LLP
Signature	
Date	January 18, 2005

EXPRESS MAIL LABEL NO. EV 519 869 327 US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.